

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

AUG 22 2017


CLERK

UNITED STATES OF AMERICA,

CR 17-50090

Plaintiff,

REDACTED SUPERSEDING
INDICTMENT

vs.

CLARENCE YELLOW HAWK,
a/k/a Robert Pullian,
a/k/a Clarence Yellow Elk,
JAMIE SHOULDERS, and
SCOTT EDISON BENSON,

Defendants.

First Degree Murder
(18 U.S.C. §§ 1111, 2, and 1153)

Second Degree Murder
(18 U.S.C. §§ 1111, 2, and 1153)

Discharge of a Firearm During a
Crime of Violence
(18 U.S.C. § 924(c)(1)(A)(iii))

Accessory After the Fact
(18 U.S.C. § 3)

Misprision of a Felony
(18 U.S.C. § 4)

Possession of Stolen Firearm
(18 U.S.C. §§ 922(j) and 924(a)(2))

Possession of Firearm with
Obliterated Serial Number
(18 U.S.C. §§ 922(k) and
921(a)(1)(B))

The Grand Jury charges:

COUNT I

On or about May 27, 2017, near Sharps Corner, in Indian country, in the District of South Dakota, the defendant, Clarence Yellow Hawk, a/k/a Robert Pullian, a/k/a Clarence Yellow Elk, an Indian person, willfully, deliberately,

maliciously, and with premeditation and malice aforethought did unlawfully kill Christopher Janis by shooting him, and did aid and abet others in doing so, all in violation of 18 U.S.C. §§ 1111, 2 and 1153.

COUNT II

On or about May 27, 2017, near Sharps Corner, in Indian country, in the District of South Dakota, the defendant, Jamie Shoulders, an Indian person, with malice aforethought did unlawfully kill Christopher Janis, by shooting him, and did aid and abet others in doing so, all in violation of 18 U.S.C. §§ 1111, 2 and 1153.

COUNT III

On or about May 27, 2017, near Sharps Corner, in the District of South Dakota, the defendants,

CLARENCE YELLOW HAWK,
a/k/a Robert Pullian, a/k/a Clarence Yellow Elk,
and JAMIE SHOULDERS,

during and in relation to crimes of violence for which they could be prosecuted in a court of the United States, that is, murder in violation of 18 U.S.C. §§ 1111, 2 and 1153, did use and carry and discharge a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

COUNT IV

On or about May 27, 2017, near Sharps Corner, in the District of South Dakota, the defendant, Scott Edison Benson, knowing that an offense against the United States had been committed, to wit, the assault and murder of Christopher Janis, did receive, relieve, comfort, and assist the individuals

responsible for assaulting and shooting Christopher Janis, in order to hinder and prevent the apprehension, trial, and punishment of said individuals, all in violation of 18 U.S.C. § 3.

COUNT V

On or about May 27, 2017, near Sharps Corner, in the District of South Dakota, the defendant, Scott Edison Benson, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit, the assault and murder of Christopher Janis, did conceal the same by assisting the individuals responsible for assaulting and shooting Christopher Janis in fleeing the scene and did not as soon as possible make known the same to some judge or other person in civil authority under the United States, all in violation of 18 U.S.C. § 4.

COUNT VI

On or about May 27, 2017, near Sharps Corner, in the District of South Dakota, the defendant, Scott Benson, did knowingly receive, possess, conceal, and store a stolen firearm, that is, a Sig Sauer, model P226, semiautomatic pistol, bearing serial number U832298; which had been shipped and transported in interstate commerce before being stolen, knowing and having reasonable cause to believe that the firearm was stolen, all in violation of 18 U.S.C. §§ 922(j) and 924(a)(2).

COUNT VII

On or about May 27, 2017, near Sharps Corner, in the District of South Dakota, the defendants,

CLARENCE YELLOW HAWK,
a/k/a Robert Pullian, a/k/a Clarence Yellow Elk,
JAMIE SHOULDERS,
and SCOTT BENSON

knowingly possessed and received a firearm, that is, a Sig Sauer, model P226, semiautomatic pistol, bearing serial number U832298; which had been shipped and transported in interstate commerce from which the manufacturer's serial number had been removed, altered and obliterated, all in violation of 18 U.S.C. §§ 922(k) and 924(a)(1)(B).

A TRUE BILL

(Name Redacted)

Foreperson

RANDOLPH J. SEILER
United States Attorney

By

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